

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)**

WEST STREET 5, LLC

*

Plaintiff/Counter-Defendant,

*

v.

*

Civil Case No. 1:22-cv-02813-JRR

KENNY P. NGAN, et al.

*

Defendants/Counter-Plaintiffs.

*

* * * * *

**PLAINTIFF/COUNTER-DEFENDANT WEST STREET 5, LLC’S REPLY IN SUPPORT
OF MOTION TO DISMISS COUNTERCLAIM**

Plaintiff/Counter-Defendant West Street 5, LLC (“Plaintiff”), by and through its undersigned counsel, Jonathan P. Kagan, Michael J. Marinello, Veronica J. Mina, and Kagan Stern Marinello & Beard, LLC, and pursuant to FED. R. CIV. P. 12(b)(1) and 12(b)(6), and L.R. 105, hereby files its Reply in Support of its Motion to Dismiss (“Reply”) as to all counts in Defendants/Counter-Plaintiffs’ Counterclaim. Plaintiff’s Motion to Dismiss should be granted because Counts I, II, III, IV, and IV of Defendants’ Counterclaim are not ripe and fail to state claims upon which relief can be granted. In support, Plaintiff incorporates and adopts as if fully set forth herein its contemporaneously filed Memorandum in Support of its Reply, along with its previously filed Motion to Dismiss (ECF No. 14), Memorandum in Support (ECF No. 14-1), and its accompanying exhibits.

Date: February 21, 2023

Respectfully submitted,

/s/ Jonathan P. Kagan

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West Street 5, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2023, a copy of the foregoing Plaintiff/Counter-Defendant West Street 5, LLC's Reply in Support of Motion to Dismiss Counterclaim was filed with the Clerk of Court using the CM/ECF filing system and served via the CM/ECF filing system on:

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